

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|-----------------|---|-----------------|---------------|
| Application No. | 10/712,208  | Group Art Unit: | 1792          |
| Applicant(s):   | Anand Chellappa et al.  | Examiner:       | Bret P. Chen  |
| Filing Date:    | 11/12/2003  | Docket No.      | 073358-031800 |
| Title:          | Method for reducing coking in a hydrogen generation reactor chamber | Customer No.    | 33717         |

**DECLARATION OF PRIOR INVENTION IN THE  
UNITED STATES UNDER 37 C.F.R. § 1.131**

I, Anand Chellappa Ph. D hereby declare as follows:

1. I am Vice President of Research and Technology at Intelligent Energy, Inc. with a business address of 9019-A Washington St. NE, Albuquerque, New Mexico 87113-2705 United States of America. I am also an inventor of the claimed subject matter in U.S. Patent Application Number 10/712,208 ("the '208 Application).

2. This declaration establishes conception and diligence toward the reduction to practice of the invention(s) claimed in the '208 Application, filed on November 12, 2003, prior to June 13, 2002.

3. I have read the Office Action mailed on March 18, 2008, and understand that all of the pending claims in the '208 Application have been rejected based wholly or partially on the disclosure of U.S. Publication No. 2004/0034266 ("Brophy").

4. The subject matter in the pending claims of the '208 application was conceived of prior to June 13, 2002 and, therefore, before the earliest claimed priority date of Brophy.

5. Before the date of June 13, 2002, we worked on the development of using cold spray technologies for catalyst incorporation and prevention of coke build-up in hydrogen

generation systems. All inventors were employees of MesoSystems Technology, Inc. at the time of the invention.

6. The subject matter is evidenced by a written confidential patent disclosure form that was executed prior to the June 13, 2002 date of the reference. The confidential patent disclosure teaches the use of cold spray technology to coat the metal surfaces of a hydrogen generation system using a coating mixture of oxide and an alkali metal.

7. This confidential patent disclosure has been maintained with integrity since its creation date. Disclosures are maintained, at all times, in files kept in a locked file cabinet to which only two persons, including myself, have access and both of whom are managers of the company with fiduciary obligations to maintain confidentiality.

8. The confidential patent disclosure has not been altered in any way following the date of its entry.

9. The confidential patent disclosure was retained with confidentiality, and not for publication, prior to June 13, 2002.

10. We continued to develop the technology of the '208 patent application and work diligently on its reduction to practice from prior to June 2002 through April of 2003. In May of 2003, we began work with patent counsel on the preparation of the '208 patent application which was ultimately filed on November 12, 2003. During the May – November 2003 period, we were also actively engaged and working with counsel sequentially, on additional patent applications based, on our other confidential disclosures which predated the disclosure of the technology of the '208 application. Accordingly, we diligently and systematically worked toward actual or constructive reduction to practice of our invention, subsequent to our conception thereof.

11. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willful false statements and the like so

made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that willful false statements or the like may jeopardize the validity of the application or any patent issuing thereon.

Date: \_\_\_\_\_

8/14/08

  
ANAND CHELLAPPA